

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

CURTIS DALE WILEY,

Petitioner,

v.

WARDEN RALPH HOOKS and
THE ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

CIVIL ACTION NO. 04-B-0817-NE

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice. An appropriate order will be entered.

DONE, this 9th day of November, 2004.

Sharon Louise Blackburn
SHARON L. BLACKBURN
UNITED STATES DISTRICT JUDGE

FILED
04 NOV 10 AM 8:20
U.S. DISTRICT COURT
N.D. ALABAMA

ENTERED
NOV 10 2004
lm